

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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JODIE JAMES LOWERY,

Petitioner,

Case Number: 2:06-CV-10237

v.

LINDA METRISH,

Respondent.

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**ORDER TRANSFERRING AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS TO UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

On January 18, 2006, Petitioner Jodie James Lowery filed a "Motion to Amend Habeas Petition" and "First Amended Petition." Approximately two weeks after filing these documents, Petitioner filed a letter with the court stating that he mistakenly filed these documents in this court. He states that he intended to file them in the United States District Court for the Western District of Michigan, where a habeas corpus petition, filed on November 28, 2005, is currently pending. *See Lowery v. Metrish*, Case No. 2:05-cv-00278. Petitioner requests that the court transfer the documents filed in this court to the Western District Court.

The district in which a prisoner files a habeas petition, in the exercise of its discretion and in furtherance of justice, may transfer the petition to another district court for hearing and determination. 28 U.S.C. § 2241(d). Because Petitioner filed these documents in error in this court, and the petition filed in the Western District was filed

before the petition was filed in this court, the court shall grant Petitioner's request and transfer this matter to the Western District.

Accordingly, the court orders the Clerk of the Court to transfer the court file to the Western District of Michigan.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: February 22, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 22, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522